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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,441	01/04/2001	Shinji Yoshihara	39303.20219.00	3382

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EXAMINER

NGUYEN, HAI V

ART UNIT	PAPER NUMBER
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2142

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/754,441

Applicant(s)

YOSHIHARA ET AL.

Examiner

Hai V. Nguyen

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 20 December 2006 has been entered.
2. This Office Action is in response to the communication received on 20 December 2006.
3. Claims 1-34 were cancelled.
4. Claims 35-41 are presented for examination.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 35-41 are rejected under 35 U.S.C. 102(e) as being anticipated by **Moller et al.** US patent # **6,98,074 B1**.

Art Unit: 2142

7. As to claim 35, Moller teaches substantially the invention as claimed, including a server apparatus (*Fig. 1, server 12*) communicably connected to a plurality of client apparatuses (*Fig. 1, clients 14, 16*) through a communication network (*Fig. 1, Internet 18*), for performing a music composing work (*a multimedia project*) according to data input at the plurality of the client apparatuses to thereby create a file of music data (*a multiple "takes" record, data units, tracks*) under collaboration (*Abstract*) of a plurality of users of the plurality of client apparatuses with collecting ideas (*callaborators' contributions, col. 4, lines 35-40*) of the plurality of the users, the server apparatus comprising:

a data storage section that stores music data under the music conducting work (*virtual studio, col. 4, lines 5-15*);

an information transmitting section that transmits display information to each of the client apparatuses such that each client apparatus displays a composing screen according to the transmitted display information (*col. 4, lines 15-26*).

a data receiving section that receives from each client apparatus composing data, which is generated by the client apparatus based on data input to the composing screen displayed according to the display information, and which represents either of a partial composing content or partial editing content of the music data (*col. 4, lines 26-49*);

a composing and editing section that performs the music composing work including input and edition of the music data according to the composing data received from each client apparatus to thereby update the music data stored in the data storage section (*col. 4, lines 26-49*); and

Art Unit: 2142

a music data transmitting section that responds to an updating request from the client apparatus for transmitting the updated music data stored in the data storage section as display information to the client apparatus such that the client apparatus can display the updated music data on the composing screen (*col. 4, lines 26-49*).

8. As to claim 36, Moller discloses including a second music data transmitting section that responds to a data save request from the client apparatus for converting the music data stored in the data storage section from a data format which is editable to another data format which is performable, and transmitting the music data of said another data format to the client apparatus (*col. 4, lines 26-56*).

9. As to claim 37, Moller discloses, wherein the information transmitting section further transmits chat screen information to the respective client apparatuses such that each client apparatus can display a chat screen (*Hara, Fig. 22, box 288*) for chatting with other client apparatuses (*col. 4, lines 26-34*), the server apparatus further comprising:

a registering section that registers conversation data (*chat administration, col. 4, lines 57-64*);

a conversation data update section that receives from the client apparatus the conversation data which is generated according to data input to the chat screen which is displayed based on the chat screen information, and that updates the conversation data registered in the registering section each time the conversation data is received (*col. 4, lines 1-64*); and

a conversation data transmitting section that responds to a chat update request from the client apparatus for transmitting the updated conversation data registered in the registering section (*col. 4, lines 1-64*).

10. Claim 38 corresponds to the computer readable medium claim of claim 35; therefore, it is rejected under the same rationale as in claim 35.

11. Claim 39 corresponds to the server-side apparatus claim of claim 35 but on the client-side apparatus of the system; the functions on server and client are exchangeable; therefore, it is rejected under the same rationale as in claim 35.

12. Claim 40 corresponds to the server-side apparatus claim of claim 36 but on the client-side apparatus of the system; the functions on server and client are exchangeable; therefore, it is rejected under the same rationale as in claim 36.

13. Claim 41 corresponds to the server-side apparatus claim of claim 37 but on the client-side apparatus of the system; the functions on server and client are exchangeable; therefore, it is rejected under the same rationale as in claim 37.

14. Further references of interest are cited on Form PTO-892, which is an attachment to this action.

Art Unit: 2142

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 571-272-3901. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hai V. Nguyen
Examiner
Art Unit 2142


ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER